

October 21, 2016

NOTICE

TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE EASTERN AND WESTERN DISTRICTS OF KENTUCKY

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Courts for the Eastern and Western Districts of Kentucky hereby give public notice of the following:

The Joint Local Rules Commission for the Eastern and Western Districts of Kentucky has recommended, and the District Court has authorized for release for a period of public comment through December 30, 2016, the revision of certain Joint Local Rules of Civil Practice and Joint Local Rules of Criminal Practice. Unless otherwise indicated, as seen in this Notice, underlined text is added and ~~struck~~ text is deleted. The proposed revisions are as follows:

A. LR 7.1 – Motions – will be amended as follows in order to modernize the rule, to simplify the procedure for requesting hearings, and to merge motions and memoranda in support:

(a) **Generally.** ~~All motions must state precisely the relief requested.~~ Except for routine motions – such as motions for an extension of time – ~~each motion must be accompanied by a supporting memorandum. Failure to file a supporting memorandum may be grounds for denying the motion.~~ a motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.

(b) **Motions for an Extension of Time.** Subject to any deadlines established by the Court, parties may extend time limits by agreed order. Absent an agreed ~~ment~~ order, the party seeking the extension must file a motion setting forth the reasons for the extension ~~is sought and tender a proposed order and whether other parties consent.~~ A ~~memorandum response~~ opposing the motion must be filed within ~~seven~~ (7) days of service of the motion.

(c) **Time for Filing ~~Memoranda in Responses~~ and Replyies.** Unless otherwise ordered by the Court, a ~~A~~ party opposing a motion must file a response ~~memorandum~~ within ~~twenty-one~~ (21) days of service of the motion. Failure to timely respond to a motion may be grounds for granting the motion. A party may file a reply ~~memorandum~~ within ~~fourteen~~ (14) days of service of the response. ~~When a party requests an extension of time to file a memorandum, please do so by agreed order or state whether other parties consent.~~

(d) **Page Limitations on Memoranda.** ~~Supporting and opposing memoranda~~ Motions and responses may not exceed ~~forty (40)~~ pages without leave of Court. Reply ~~ies~~ memoranda may not exceed ~~fifteen (15)~~ pages without leave of Court.

(e) **Proposed Order.** A party filing a motion must also file a separate proposed order. Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

(f) **Hearing or Oral Arguments on Motions.** A party may request a hearing or oral argument ~~by~~ in a motion, response, or reply.

(g) **Submission to the Court.** A motion is submitted to the Court for decision after completion of the hearing or oral argument – or if none – after the reply ~~memorandum~~ is filed, or the time for filing the response or reply ~~memorandum~~ has expired.

(h) **Copies of Cited Authority.** If a motion, ~~or memoranda~~ response, or reply contains a citation to any authority not available electronically, ~~you must attach~~ a copy of the authority must be attached. ~~Upon request, a party must provide a copy of any cited unpublished or non-Kentucky state case or statute to the opposing party.~~

- B. LR 41.1 – Dismissal for Failure to Prosecute** – will be amended as follows to reduce the period of inactivity from one year to nine months before the court may issue a show cause order, in order to encourage speedier resolution of civil cases:

If no action has been taken on a case for nine months ~~one year~~, the ~~Clerk court~~ may issue an order requiring the plaintiff to show cause why the case should not be dismissed for lack of prosecution.

- C. LR 83.2(b) – Permission to Practice in a Particular Case** – will be amended as follows in order to clarify the existing practice of waiving the *pro hac vice* admission procedures for attorneys appointed pursuant to the Criminal Justice Act, including any such attorney appointed by an appellate court:

(b) The Attorney General or any other bar member of the Department of Justice, or of any federal agency, including federal public defenders or panel attorneys that cross district lines, or any attorney appointed pursuant to the Criminal Justice Act, need not seek admission *pro hac vice* under this rule.

- D. LCrR 12.1 – Motions** – will be amended as follows in order to modernize the rule, to simplify the procedure for requesting hearings, and to merge motions and memoranda in support:

(a) **Generally.** ~~All motions must state precisely the relief requested. Except for routine motions – such as motions for an extension of time – each motion must be accompanied by a supporting memorandum. Failure to file a supporting memorandum may be grounds for denying the motion. a motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.~~

(b) **Motions for an Extension of Time.** Extensions of time in criminal actions will be granted only if the party seeking the extension files a motion demonstrating good cause. Extensions of time by agreement of the parties are not valid in criminal cases. A memorandum response opposing a motion for an extension of time must be filed within ~~seven (7)~~ days of service of the motion.

(c) **Time for Filing Motions.** Unless a different time is fixed by statute or the Federal Rules of Criminal Procedure, motions must be filed within the time period ordered by the Court.

(d) **Time for Filing Memoranda in Responses and Replyies.** Unless otherwise ordered by the Court, a party opposing a motion must file a response ~~memorandum~~ within ~~fourteen (14)~~ days of service of the motion. Failure to timely respond to a motion may be grounds for granting the motion. A party may file a reply ~~memorandum~~ within ~~fourteen (14)~~ days of service of the response.

(e) **Page Limitations on Memoranda.** ~~Supporting and opposing memoranda~~ Motions and responses may not exceed ~~twenty-five (25)~~ pages without leave of Court. Replyies memoranda may not exceed ~~ten (10)~~ pages without leave of Court.

(f) **Proposed Order.** A party filing a motion must also file a separate proposed order. Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

(g) **Hearings or Oral Arguments on Motions.** A party may request a hearing or oral argument ~~by in a motion,~~ response, or reply.

(h) **Submission to the Court.** A motion is submitted to the Court for decision after the completion of the hearing or oral argument – or if none – after the reply ~~memorandum~~ is filed, or the time for filing the response or reply has expired.

(i) **Copies of Cited Authority.** If a motion, ~~or memoranda response, or reply~~ contains a citation to any authority not available electronically, ~~you must attach~~ a copy of the authority must be attached. ~~Upon request, a party must provide a copy of any cited unpublished or non-Kentucky state case or statute to the opposing party.~~

E. LCrR 57.2(b) – Permission to Practice in a Particular Case – will be amended as follows in order to clarify the existing practice of waiving the *pro hac vice* admission procedures for attorneys appointed pursuant to the Criminal Justice Act, including any such attorney appointed by an appellate court:

(b) The Attorney General or any other bar member of the Department of Justice, or of any federal agency, including federal public defenders or panel attorneys that cross district lines, or any attorney appointed pursuant to the Criminal Justice Act, need not seek admission *pro hac vice* under this rule.

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Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before December 30, 2016 and should be sent to:

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